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21 January 1952

MEMORANDUM FOR: Director of Central Intelligence

SUBJECT: Briefing Note on IAC-D-40 "Dissemination of National Intelligence to Foreign Governments"

For your information: In the discussion with the IAC agencies regarding the proposed revision of NSCID 1, the G-2 representative raised two questions concerning CIA's legal authority to disseminate to foreign governments. These questions may be raised by General Bolling in the IAC. The following notes by the General Counsel apply to these two questions: FOIAB5

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2. With relation to CIA collected or produced intelligence, G-2 took the position that CIA had no authority to disseminate to foreign governments because under the Constitution such authorities were vested in the President and might not be exercised by others without a specific directive. This problem was considered by the Director's Office and it was decided that no authorization in the revised NSCID 1 would be requested as the Director's responsibility to collect and produce certain kinds of intelligence was construed to carry with it the authority to determine where it should go within or without the Government. The only legal restrictions on foreign dissemination are the Atomic Energy Act provisions relating to restricted data and the Espionage Acts which require intent to injure the United States or benefit a foreign power. No legal restrictions are known on dissemination determined to be in the best interests of the United States. In addition, since the Director is responsible for protecting intelligence sources and methods from unauthorized disclosure, he is inferentially empowered to determine what disclosure is authorized. No need is seen therefore for further authorization from the President or the National Security Council.

OGC Has Reviewed

JAMES Q. RUBER  
Assistant Director  
Intelligence Coordination

cc: General Counsel For Release 2004/07/07 : CIA-RDP61S00750A000100100142-1

ADD (IAC)

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